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TESTIMONY ON SB488 – FAVORABLE WITH AMENDMENT
CIVIL ACTIONS – PUBLIC NUISANCES – FIREARM INDUSTRY MEMBERS
(GUN INDUSTRY ACCOUNTABILITY ACT OF 2024)

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Jeffrey S. Rubin

My name is Jeffrey S. Rubin and I am a resident of District 15, in Potomac. **I am submitting this testimony in support with amendment of SB488, Civil Actions – Public Nuisances – Firearm Industry Members (Gun Industry Accountability Act of 2024).**

Tens of thousands of people in the United States having been dying annually from firearms, and Maryland has absorbed its share of tragedies. Sadly, over the years this also has been true for the use of other products, such as automobiles, tobacco, and opioid pain medications. In these instances, the government has found ways to hold companies accountable. The same should be true for the gun industry.

SB488 is designed to do just that. While the Federal Protection of Lawful Commerce in Arms Act (PLCAA) has provided the gun industry with a wide range of immunity, there are exceptions. Eight states have now passed legislation based on these exceptions, and litigation has been successful. As more states implement similar laws, the industry will have to reckon with the financial cost and wider impact of litigation. The public revelation of practices that undermine the safety of gun users and the general public will compel the industry to adopt technology to decrease the harm resulting from its products; for instance, reducing the frequency of accidents or crimes committed by someone other than the firearms owners.

As originally drafted, SB488 would enable both the Maryland Government and gun violence survivors to sue members of the gun industry for various violations defined as a public nuisance. Regrettably, the provision that empowered gun violence survivors to sue was subsequently removed from the bill. This action should be reversed by the Judiciary Committee for multiple reasons. Firstly, gun violence survivors are among the people most directly impacted by the alleged violations and should be able to seek redress. Second, this option would make available financial and other resources for private litigation. This was crucial in the campaign to hold the tobacco industry accountable and likely would be impactful when dealing with the gun industry. Third, while ideally the Attorney General would be proactive about challenging the gun industry when the circumstances merit such action, inevitably there will be competing demands on time and public resources to address other matters of importance to the State.

I respectfully urge this Committee to issue a favorable report on SB488 with an amendment to restore the private right to take legal action.